



DEPARTMENT OF HEALTH & HUMAN SERVICES

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Re: Samuel E. Kilgore, R.Ph. v.
Inspector General
DAB CR1513
App. Div. Docket No. A-07-15
Decision No. 2064
Date: February 7, 2007

DETERMINATION TO DECLINE REVIEW

Counsel:

After reviewing the record to evaluate the issues presented by the exceptions, we have determined that we need not render a separate decision. We therefore decline review of and summarily affirm the administrative law judge's decision identified above.

In view of the opportunities that Petitioner had to present arguments and evidence before the administrative law judge, we have also determined to deny his requests for oral argument and the opportunity to submit an additional affidavit and a reply brief.

Thus, the administrative law judge's decision becomes final and binding 60 days from the date of service of this letter. See 42 C.F.R. § 1005.21(j). The date of service will be deemed to be 5 days from the date of mailing.

Judicial review is available in an appropriate United States district court if a civil action is filed within 60 days after service of this decision. See sections 1128(f)(1) and 205(g) of the Social Security Act and 42 C.F.R. § 1005.21(k)(1).

Donald F. Garrett

Leslie A. Sussan

Judith A. Ballard
Presiding Board Member

cc: Civil Remedies Division

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